

STATEMENT OF PURPOSE

RS18940

This bill would prohibit Idaho employers from hiring persons who are illegally in the United States.

Immigration issues are rightfully the responsibility of the federal government. This legislation conforms with the federal Immigration Reform and Control Act of 1986 (IRCA) where the federal government provides criminal and monetary penalties to employers for hiring persons who are illegally in the United States. The IRCA carves out an area where the States can address this issue of illegal alien employment. Specifically the IRCA states at 8 USC 1324 (h)(2):

"(2)Preemption. The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens."

If enacted, this legislation will allow for Idaho employers to have their state, county or city licenses suspended for knowingly employing illegal aliens. Professional licenses are excluded from the legislation. For a first offense, a license will be suspended until the employer signs an affidavit stating that the employer will not hire an unauthorized alien in the future. If the employer signs this affidavit within three (3) days of the court ruling, no suspension of the license will take place.

For a second offense the license will be suspended for up to ten(10) days. For a third offense the license will be permanently revoked. The legislation also provides a section on Legislative Findings declaring that some Idaho employers need the federal government to provide a workable guest worker program. The legislation makes it a misdemeanor for a person to falsely impersonate another in order to seek employment.

The legislation provides that the state tax commission shall notify all Idaho employers who withhold taxes of the new provisions of this legislation. It also prohibits the issuance of a driver's license to an illegal alien who has been issued a driver's license from another state.

The legislation defines a "Sanctuary City" as a city that does not enforce the provisions of this legislation. Any city determined to be a "Sanctuary City" will be ineligible to receive moneys provided through grants administered by the state.

FISCAL NOTE

This legislation, if enacted, will be enforced primarily by the counties. The state attorney general will also have enforcement authority. The legislation's financial impact to the state will be that of the man hours required by the attorney general's office to enforce the act. Any persons arrested for falsely impersonating another in order to seek employment will likely be incarcerated in a county jail as the offense is a misdemeanor. The state tax commission will also have to mail out a notice to all Idaho employers. This notice can be included with other mailings.

The organization Federation for American Immigration Reform (FAIR) estimates that the cost of illegal aliens to all governmental levels of government in Idaho will be \$148,000,000 for the year 2010. Implementation of this legislation can be expected to greatly reduce these costs.



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